

TRANSMITTAL LETTER			Case No. 11320/33
Serial No. 10/764,712	Filing Date January 23, 2004	Examiner	Group Art Unit
Inventor(s) Mess B. Brennan et al.			
Title of Invention Method for Treatment of Insulin Resistance in Obesity and Diabetes			

10/764,712

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is First Supplemental Information Disclosure Statement, Form PRO 1449 with references and return postcard.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

					Small Entity		or	Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus			x \$9 =			x \$18 =	
Indep.		Minus			x 43 =			x \$86 =	
First Presentation of Multiple Dep. Claim					+ \$145 =			+ \$290 =	
					Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

John Murray  
John Murray, Ph.D.  
Registration No. 44,251  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 12, 2004.

Date: March 11, 2004 Signature: John Murray



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on March 12, 2004

Date of Deposit

John Murray

Name of applicant, assignee or  
Registered Representative

*John Murray*

Signature

*March 12, 2004*

Date of Signature

Our Case No. 11320/33

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Miles B. Brennan *et al.*

Serial No: 10/764,712

Filed: January 23, 2004

For: Method for Treatment of Insulin  
Resistance in Obesity and Diabetes

Examiner: Not assigned

Group Art Unit: Not assigned

## FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully  
requested that this First Supplemental Information Disclosure Statement be entered and  
the documents listed on the attached Form PTO-1449 be considered by the Examiner  
and made of record.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is believed to be filed before the mailing of the first Office Action on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

This application is a division of U.S. Patent Application Serial Number 09/953,349 which claims benefit of provisional application U.S. Application Serial No. 60/232,292, filed September 13<sup>th</sup>, 2000. This prior application is relied upon for an earlier filing dated under 35 U.S.C. § 119. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the following documents cited are enclosed:

US 6,603,058 Brennan et al.

US5,726,156 Girten et al.

WO 97/47316

L J Mullins et al., J Clin. Invest., "Perspectives Series: molecular Medicine in Genetically Engineered Animals", Apr. 1996, Vol. 97, No. 7, pp. 1557-1560.

R W Moreadith et al., J Mol Med, "Gene targeting in embryonic stem cells: the new physiology and metabolism," 75:208-216 (1997).

M F Pera et al., Journal of Cell Science, "Human embryonic stem cells," vol. 113, pp. 5-10 (2000).

L Yaswen et al., Nature Medicine, "Obesity in the mouse model of pro-opiomelanocortin deficiency responds to peripheral melanocortin," Sept. 1999, vol. 5, no. 9, pp. 1066-1070.

M Rubinstein et al., Nucleic Acids Research, "Introduction of a point mutation into the mouse genome by homologous recombination in embryonic stem cells using a replacement type vector with a selectable marker," 1993, vol. 21, no. 11, pp. 2613-2617.

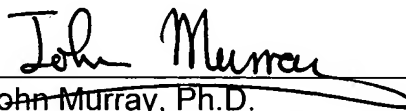
H Krude et al., Nature Genetics, "Severe early-onset obesity, adrenal insufficiency and red hair pigmentation caused by POMS mutations in humans," June 1998, vol. 19, pp. 155-157.

U. Hochgeschwender et al., Endocrinology, "Altered Glucose Homeostasis in Proopiomelanocortin-Null Mouse Mutants Lacking Central and Peripheral Melanocortin", December 2003, 144 (12): pp 5194-5202.

If, for any reason, the Examiner feels that an interview would be helpful to resolve any issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

Date: March 12, 2004 .

  
John Murray, Ph.D.  
Registration No. 44,251  
Attorney for Applicant

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FORM PTO 449	SERIAL NO. 10/764,712	CASE NO. 11320/33
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE January 23, 2004	GROUP ART UNIT
(use several sheets if necessary)	APPLICANT(S): Brennan et al.	

**REFERENCE DESIGNATION****U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	US 6,603,058		Brennan et al.		
	B2	US 5,726,156		Girten et al.		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO
	B3	WO 97/47316	6-1997	WIPO			

EXAMINER INITIAL	<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)</b>	
	B4	L J Mullins et al., J Clin. Invest., "Perspectives Series: molecular Medicine in Genetically Engineered Animals", Apr. 1996, Vol. 97, No. 7, pp. 1557-1560.
	B5	R W Moreadith et al., J Mol Med, "Gene targeting in embryonic stem cells: the new physiology and metabolism," 75:208-216 (1997).
	B6	M F Pera et al., Journal of Cell Science, "Human embryonic stem cells," vol. 113, pp. 5-10 (2000).
	B7	L Yaswen et al., Nature Medicine, "Obesity in the mouse model of pro-opiomelanocortin deficiency responds to peripheral melanocortin," Sept. 1999, vol. 5, no. 9, pp. 1066-1070.
	B8	M Rubinstein et al., Nucleic Acids Research, "Introduction of a point mutation into the mouse genome by homologous recombination in embryonic stem cells using a replacement type vector with s selectable marker," 1993, vol. 21, no. 11, pp. 2613-2617.
	B9	H Krude et al., Nature Genetics, "Severe early-onset obesity, adrenal insufficiency and red hair pigmentation caused by POMS mutations in humans," June 1998, vol. 19, pp. 155-157.
	B10	U. Hochgeschwender et al., Endocrinology, "Altered Glucose Homeostasis in Proopiomelanocortin-Null Mouse Mutants Lacking Central and Peripheral Melanocortin", December 2003, 144 (12): pp 5194-5202.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.